IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 725 OF 1987

The Commissioner of Income-tax,
Bombay City-II, Bombay. ...Applicant
V/s.
M/s.Indabrator Ltd. ...Respondent

Mr.Parag Vyas i/b. K.C. Sidhwa for Applicant.
None for Respondent.

CORAM : V.C. DAGA AND
A.S. AGUIAR, JJ.

DATED : AUGUST 12, 2005.

P.C. :-

. By this reference under Section 256(1) of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following question of law for the opinion of this Court :-

> "1. Whether, on the facts and in the circumstances of the case, the Tribunal was correct in law in holding that the quantum of deduction u/s. 80J is to be computed as per unamended provisions as they stood prior to amendment by Fiance Act (No.2) 1980 with effect from 1.4.1972?"

2. Learned Counsel for the Revenue submits that the question referred hereinabove is covered by the decision of this Court in the case of **Camco Colour Co.**

3. This Court while considering the minimal tax impact, has passed an order on 1st July, 2005 in Income Tax Reference No.397 of 1988 **(C.I.T. Vs. M/s.Pithwa Engg.Works)** for the reasons recorded therein, wherein this Court has relied upon decision of this Court in the case of **C.I.T. vs. Camco Colour Co. (2002) 254 ITR 565.**

4. In this view of the matter, we do not think it necessary to answer question referred to this Court for the Assessment Year 1976-77, having negligible tax effect.

. Reference, accordingly, stands disposed of with no order as to costs.

(A.S. AGUIAR, J.) **(V.C. DAGA, J.)**